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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/028,542	12/19/2001	Reynaldo Gil	24298-81001	2451
37803	7590	05/18/2007		
SIDLEY AUSTIN LLP 555 CALIFORNIA STREET SUITE 2000 SAN FRANCISCO, CA 94104-1715			EXAMINER JEANTY, ROMAIN	
			ART UNIT 3623	PAPER NUMBER
			MAIL DATE 05/18/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/028,542

Applicant(s)

GIL ET AL.

Examiner

Romain Jeanty

Art Unit

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12/26/06.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-50 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

Art Unit: 3623

### **DETAILED ACTION**

1. In view of the Reply Brief filed on December 26, 2006, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(a) file a reply under 37 CFR 1.111 (if this Office action is non-final)  
or a reply under 37 CFR 1.113 (if this Office action is final); or,

(b) request reinstatement of the appeal.

If reinstatement of the appeal is requested, such request must be accompanied by a supplemental appeal brief, but no new amendments, affidavits (37 CFR 1.130, 1.131 or 1.132) or other evidence are permitted. See 37 CFR 1.193(b)(2).

### **Claim Rejections - 35 USC § 102**

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 3-12, 14-20, 22-23, 27, 29-32, 34-37, 42-50 are rejected over 35 U.S.C. 102(e) as being anticipated by Eicher, JR. et al "Eicher" (2002/0099580).

Art Unit: 3623

As per claim 1, Eicher disclose a performance-based supply chain management system with collaborative environment for dispute resolutions. In so doing, Eicher discloses receiving a request for the transaction from an end-user or the partner [Paragraph 0017], accessing real-time data relevant to the transaction from an existing partner system [Paragraphs 0024, 0165, 0188]; generating a context for the transaction using the real-time data [Paragraph 0017], and processing the request in the context for the transaction [Paragraphs 0088].

As per claim 3, Eicher further teaches the method of claim 1, wherein the real-time data comprises transaction data specifying a status for the transaction [Paragraph 0152].

As per claim 4, Eicher further teaches the method of claim 1, wherein the real-time data comprises reference data relating to the partner [Paragraph 0052].

As per claim 5, Eicher further teaches the method of claim 1, wherein accessing comprises receiving the real-time data in extensible markup language (XML) format [Paragraph 0024].

As per claim 6, Eicher further discloses converting the real-time data into a format usable by a network system, the network system operable to maintain the context for the transaction [Paragraph 0130].

As per claim 7, Eicher further teaches the method of claim 1, further comprising maintaining a context for the transaction at a network system [Paragraph 0007].

As per claim 8, Eicher further teaches the method of claim 7, further comprising: identifying the context for the transaction based upon the request and routing the request for processing of the transaction [i.e. sending the transaction to the server to be executed;

Art Unit: 3623

Paragraph 0129].

As per claim 9, Eicher further teaches the method of claim 1, further comprising sending a response to the request to the end-user or the partner [Paragraph 0123].

As per claim 10, Eicher further teaches the method of claim 1, wherein processing comprises initiating a workflow for the transaction at a network system [Paragraphs 0022 and 0023].

As per claim 11, Eicher et al further teaches the method of claim 10, wherein the workflow comprises a plurality of tasks to be performed by the enterprise or partner in order to fulfill the transaction [Paragraphs 0065 and 0103].

As per claim 12, Eicher further discloses the method of claim 11, wherein processing comprises notifying the partner of any tasks to be performed by the partner [Paragraphs 0065 and 0103].

As per claim 14, Eicher further discloses the method of claim 11, wherein the workflow comprises a routing workflow for routing the request to the enterprise or the partner for performance of the tasks [Paragraphs 0103 and 0104].

As per claim 15, Eicher discloses the method of claim 1, wherein processing comprises alerting the partner or the enterprise [Paragraph 0025].

As per claim 16, Eicher The method of claim 1, wherein processing comprises monitoring a service level associated with the transaction [Paragraph 0139 and 0179].

Claim 17 recited the same limitations of claim 1 above; therefore claim 17 is rejected under the same rational relied upon of claim 1. In addition, Eicher teaches a user interface for accessing the system. Note Paragraphs 0029 and 0105 of Eicher.

Art Unit: 3623

As per claim 18, Eicher further discloses the system of claim 17, wherein the real-time data comprises transaction data specifying a status of the transaction [Paragraph 0152].

As per claim 19, Eicher further discloses wherein the real-time data comprises reference data relating to the partner [Paragraph 0052].

As per claim 20, Eicher further discloses a database operable to maintain the context for the transaction [Paragraph 0029].

As per claim 22, Eicher further discloses wherein the real-time data is accessed in extensible markup language (XML) format [Paragraph 0024].

As per claim 23, Eicher further discloses wherein said processing facility is operable to convert real-time data into a format usable by the system [Paragraph 0130].

As per claim 24, Eicher further discloses the system of claim 22, wherein the processing facility is operable to send a response to the request to the end-user or the partner [Paragraph 0123].

As per claim 25, Eicher further discloses wherein the processing facility is operable to initiate a workflow for the transaction at a network system [Paragraphs 0022 and 0023].

As per claim 26, Eicher further discloses wherein the workflow comprises a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the transaction [Paragraphs 0065 and 0103].

As per claim 27, Eicher further discloses wherein the processing facility is operable to notify the partner of any tasks to be performed by the partner [Paragraphs 0065 and 0103].

As per claim 29, Eicher further discloses wherein the workflow comprises a routing workflow for routing the request to the enterprise or the partner for performance of the tasks [Paragraphs 0103 and 0104].

As per claim 30, Eicher further discloses wherein processing facility is operable to alert the partner or the enterprise [Paragraph 0025].

As per claim 31, Eicher further discloses wherein the processing facility is operable to monitor a service level associated with the transaction [Paragraph 0139 and 0179].

As per claim 32, Eicher discloses a performance-based supply chain management system with collaborative environment for dispute resolutions. In so doing, Eicher discloses a database operable to store real-time data relating to the one or more transactions, the database operable to maintain a respective context for each transaction [Paragraph 0029], and an execution process engine operable to execute a respective workflow in the context for each transaction using the real-time data [Paragraphs 0022 and 0023], each workflow comprising a plurality of tasks to be performed by the enterprise or the partner in order to fulfill the respective transaction [Paragraphs 0065 and 0103].

As per claim 34, Eicher further discloses wherein at least one business object is generated for each workflow [Paragraph 0174].

As per claim 35, Eicher further discloses one or more business object managers operable to manage each business object [Paragraph 0134, and 0137].

As per claim 36, Eicher further discloses wherein each workflow comprises a process for transforming the real-time data according to a business policy between the

Art Unit: 3623

enterprise and the partner [Paragraphs 0021, and 0059].

As per claim 37, Eicher further discloses wherein the database is operable to maintain one or more business policies relating to the partner [Paragraph 0021].

Claim 41 recites the same limitations in claim 1 above. In addition, Eicher further discloses a network domain gateway in communication with the network execution component, the network domain gateway operable to communicate with a partner coordinator component integrated with an existing system of the partner to provide real-time data relevant to the transaction from the existing system of the partner to the network execution component [Paragraphs 0105-0106 and 0134].

As per claim 42, Eicher further discloses the network system of claim 41, wherein the network execution component executes at least one process workflow operable to transform the real-time data relevant to the transaction based on business rules for the supply chain [Paragraphs 0022-0023 and 0091].

As per claim 43, Eicher further discloses wherein the network domain gateway comprises a transport component operable to send or receive one or more messages related to the transaction [Paragraph 0149] .

As per claim 44, Eicher further discloses wherein the network domain gateway comprises a gateway router component operable to route one or more messages relating to the transaction between the existing system of a partner and an existing system of the enterprise [Paragraphs 0149n and 0181]..

As per claim 45, Eicher discloses wherein the gateway router component is operable to perform context-based routing of messages related to the transaction [Paragraphs 0149n and 0181]..

Art Unit: 3623

As per claim 46, Eicher further discloses the network system of claim 41, further comprising a messaging system operable to generate one or more messages for the real-time data and to route the messages within the network system [Paragraphs 0149n and 0181].

As per claim 47, Eicher further discloses the network system of claim 41, wherein the network execution component is operable to manage at least one process workflow for the transaction [Paragraphs 0022 and 0023].

As per claim 48, Eicher further discloses the network system of claim 41, further comprising a database operable to store the real-time data {Paragraph 0021}.

As per claim 49, Eicher further disclose the network system of claim 48, wherein the database is operable to store a context for the transaction {Paragraph 0021}.

As per claim 50, Eicher further discloses the network system of claim 48, wherein the database is operable to store one or more policy rules that govern the transaction {Paragraph 0076}.

### **Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2, 13, 21, 28, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eicher, JR. et al "Eicher" (2002/0099580) in view of Huang et al

Art Unit: 3623

“Huang” (Development of a Collaborative and Event-Driven Supply Chain Information System Using Mobile Object Technology).

As per claim 2, Eicher discloses all of the limitations above, but fails to disclose coordinator component integrated with the existing partner system. Huang discloses an information integration in a supply chain comprising of a component integrated with supply chain members. Note pages 1776-1781 of Huang. It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Eicher to include the teachings of Huang in order to allow supply chain members/partners to mutually exchange information efficiently.

As per claims 13, 28, and 33, Eicher does not explicitly disclose initiating at least one process manager routine for managing the workflow. Official notice is taken that it is old and well known in the art to use a process manager for managing a workflow. It would have been obvious to a person of ordinary skill in the art to include this feature into the system of Eicher in order to enforce the commitment made by negotiation partners by providing non-repudiation service.

As per claim 21, Eicher does not explicitly disclose wherein said database comprises a relational database. Official Notice is taken that relational database is old and well known in the art to be used for storing information. It would have been obvious to a person of ordinary skill in the art to include a relational database in the system of Eicher in order to efficiently match desired information.

6. Claims 38-40 are rejected under 35 U.S.C. 103(a) as being unpatentable over Eicher, JR. et al “Eicher” (2002/0099580) in view of Postelnik et al (U.S. Patent No. 7,069,235).

Claim 38 recites the same limitations as claim 1 above, except for the limitation of a data access layer operable to provide the process workflow access to the real-time data relating to the transaction. Postelnik et al in the same field of endeavor disclose a multi-source transaction processing system comprising transmit the processed order request to the ORMS of the selected fulfillment partner, receive from each of the ORMSs of the selected fulfillment partners ORMS data associated with the processed order request transmitted to the ORMS of the fulfillment partners, and integrate the received ORMS data from the ORMSs of the fulfillment partners utilizing a data access layer (See abstract; col. 5, lines 5-18). It would have been obvious to a person of ordinary skill in the art to modify the disclosures of Eicher to include a data access layer as taught by Postelnik in order to provide access to the database of Eicher.

As per claim 39, Eicher further discloses wherein the at least one workflow aim fulfill the respective transaction [Paragraphs 0065 and 0103].

As per claim 40, Eicher further discloses a business data manager component operable to manage the at least one process workflow [Paragraphs 0134-0136].

### **Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

a. Leveridge (US 20020178070) discloses the concept of utilizing a domain gateway.

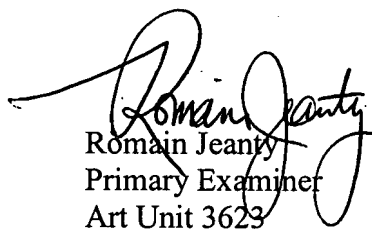
Art Unit: 3623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Romain Jeanty whose telephone number is (571) 272-6732. The examiner can normally be reached on Mon-Thurs 7:30 am to 6:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq R. Hafiz can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

April 30, 2007

  
Romain Jeanty  
Primary Examiner  
Art Unit 3623